

REMARKS

I. INTRODUCTION

Claims 1, 2, 6, 8, 10 have been amended. No new matter has been added. Thus claims 1-10 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claim 2 stands rejected under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (See 04/10/2008 Office Action p. 2). Applicant respectfully disagrees.

The electrical device in claim 2 comprises a container for hair coloring additive. The container is entirely detachably connected to the electrical device. However, the container is an element of the electrical device. The fact that a user of the electrical device may later detach the container does not make claim 2 indefinite. Thus, Applicant respectfully submits that claim 2 is definite and the Examiner's rejection should be withdrawn.

III. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,460,546 to Sofer (hereinafter "Sofer"). (See 04/10/2008 Office Action p. 2-3). Applicant respectfully disagrees.

Sofer describes a cartridge for use in a hair dye dispenser, which includes a dispensing container for containing and dispensing hair dye, a base, at least one side wall sealingly attached to or integrally formed with the base so as to define an internal volume of the dispensing container. (See Sofer Abstract). Sofer further describes a filling aperture with a complementary removable sealing element to allow introduction of at least one dye component into the cartridge.

(See Sofer, col. 5, ll. 36-38). The filling aperture can be implemented in many locations on the cartridge including the side wall. (See Sofer, col. 5, ll. 19-28).

Claim 1 recites “a container for hair coloring additive, said container having a first side ... said first side being covered by a base part having a concave surface on which hair contacting elements and additive outlets are provided, said concave surface having a depression that surrounds said additive outlets.” The Examiner asserts that Sofer teaches this recitation. (See 04/10/2008 Office Action p. 3). Applicant respectfully disagrees.

Sofer describes a base 14, which features a filling aperture 28 with complementary removable sealing element 30. (See Sofer, col. 5, ll. 34-32). The Examiner has equated “a first side” to the base 14 in Sofer. (See 04/10/2008 Office Action p. 3). However, it is clear that the base in Sofer is flat and level between the side wall 16 and the aperture 28. (See Sofer, Fig. 3). Also, it is clear in figure 3 that the base 14 at no point recedes in a concave manner into the internal volume of the container. (See Sofer, Fig. 3). The Examiner has further equated “the first side being covered by a base part having a concave surface” to the sealing element 30. (See 04/10/2008 Office Action p. 3). However, it is clear that on no surface does the sealing element 30 have a concave surface, in contrast, as illustrated in figure 3, sealing element 30 includes only flat surfaces. Finally, the Examiner has also equated “said concave surface having a depression” to the sealing element 30. (See 04/10/2008 Office Action p. 3). However, it is also clear that the sealing element 30, as illustrated in figure 3, does not form a concave surface having a depression.

Thus, Applicant respectfully submits that Sofer does not teach or suggest “a container for hair coloring additive, said container having a first side ... said first side being covered by a base part having a concave surface on which hair contacting elements and additive outlets are provided, said concave surface having a depression that surrounds said additive outlets,” as recited in claim 1. Because claims 3-4 and 6-7 depend from and therefore include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons as claim 1.

Independent claim 2 recites “a container for hair coloring additive, said container having a first side, a second side, and an additive displacing member being provided in the vicinity of said second side, said first side being covered by a base part having a concave surface on which hair contacting elements and additive outlets are provided, said concave surface having a depression that surrounds said additive outlets.” Thus, Applicant respectfully submits that Sofer does not teach or describe the recitation in claim 2 for at least the same reasons as claim 1.

Independent claim 8 recites “a first side, said first side being covered by a base part having a concave surface on which hair contacting elements and additive outlets are provided, said concave surface having a depression that surrounds said additive outlets.” Thus, Applicant respectfully submits that Sofer does not teach or describe the recitation in claim 8 for at least the same reasons as claim 1. Because claims 9-10 depend from and therefore include all of the limitations of claim 8, it is respectfully submitted that these claims are also allowable for at least the same reasons as claim 8.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer. (See 04/10/2008 Office Action p. 3). Applicant respectfully submits that Sofer does not teach or describe “a container for hair coloring additive, said container having a first side ... said first side being covered by a base part having a concave surface on which hair contacting elements and additive outlets are provided, said concave surface having a depression that surrounds said additive outlets,” as recited in claim 1. Because claim 5 depends from and therefore includes all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons as claim 1.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By: 
Michael Marcín (Reg. No. 48,198)

Fay Kaplun & Marcín, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276